

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVE HESSE and ADAM BUXBAUM, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

GODIVA CHOCOLATIER, INC., and DOES 1
through 50,

Defendants.

No. 1:19-cv-00972-AJN

**DECLARATION OF AUBRY WAND IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Aubry Wand, declare as follows:

1. I am an attorney at law, licensed to practice in the states of California and Hawaii.

I am admitted *pro hac vice* in the above-captioned action.

2. My firm, along with Faruqi & Faruqi LLP, serve as counsel of record for Plaintiffs.

I make this declaration on the basis of personal knowledge. If called as a witness, I could and would readily and competently testify to all matters stated within.

3. I make this declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement.

The Proposed Settlement is in the Best Interest of the Class

4. Based on my experience, my familiarity with every material aspect of this case, and when weighing the risks of continued litigation, I believe that the proposed Settlement is fair, adequate, and reasonable, and in the best interest of the Class. More specifically, the Settlement provides an excellent recovery for the Class, as it affords each Class Member the opportunity to recover \$1.25 per product.¹ Based on conjoint analysis conducted by an economist retained by Plaintiffs, this compensation is more than the full value of compensatory damages (i.e., the price premium due to the alleged misrepresentations) on an average per-unit basis that Class Members could expect to recover at trial.

5. In addition, based on my experience litigating similar class actions, when weighing considerations such as the potential damages against the likelihood of obtaining class certification, prevailing on the merits at trial, and the inherent risks and expense of litigation, the Settlement represents an excellent result for the Class.

¹ Up to \$15 without proof of purchase and up to \$25 with proof of purchase.

6. For these reasons, and others explained in greater detail in Plaintiffs' Motion for Preliminary Approval and the Declaration of Timothy J. Peter, I believe that the Settlement is in the best interest of the Class, and should be preliminarily approved.

Counsel's Qualifications

7. I received a B. A. from the University of Pennsylvania in 2007 in English and Political Science. I received a J.D. from UC Hastings College of the Law in 2011. I became a member of the State Bar of California in December 2011, and I have been an active member in good standing continuously since then. In 2012, I completed a judicial clerkship for the Honorable Colette Y. Garibaldi, of the First Circuit Court, State of Hawaii. I am currently an active member and in good standing of the State Bar of Hawaii.

8. I have been litigating cases, primarily on behalf of employees and consumers, and frequently in the class action context, continuously for the past nine years.

9. I founded WLF in the beginning of 2016. WLF is dedicated almost exclusively to litigating cases on behalf of consumers and employees. I am the firm's managing partner and am responsible for all litigation decisions.

10. I have been named a "Rising Star" from 2018 to 2021 for the *Southern California Super Lawyers* magazine.

11. On September 10, 2020, Judge Vasquez of the Sacramento Superior Court, appointed my firm, along with one other firm, liaison counsel for the plaintiffs in the Judicial Council Coordination Proceeding, Western Dental Wage and Hour Cases, JCCP No. 5079.

12. WLF has also served as lead counsel or co-counsel in numerous wage and hour class action and/or representative action cases in which millions of dollars have been recovered

for thousands of employees. Set forth in the following chart are some of the wage and hour class actions where WLF has been appointed class counsel in the settlement context:

Case Name	Case Number
<i>Yee, et al. v. Wong & Lau, Inc., et al.</i>	Los Angeles Sup. Ct. Case No. BC600087
<i>Aguilar v. Hook Burger, LLC</i>	Los Angeles Sup. Ct. Case No. BC608694
<i>Morales v. OPARC</i>	San Bernardino Sup. Ct. Case No. CIVDS1622051
<i>Hopper-Porter, et al. v. Desert Regional Medical Center, Inc.</i>	Riverside Sup. Ct. Case No. RIC 1610095
<i>Matthews v. Red Hill Country Club</i>	San Bernardino Sup. Ct. Case No. CIVDS1706187
<i>Vinnitsky v. L.A. Overnight, LLC</i>	Los Angeles Sup. Ct. Case No. BC655314
<i>Delgado, et al. v. Cienega Medical Spa, Inc.</i>	Los Angeles Sup. Ct. Case No. BC637702
<i>Backus v. Schireson Bros, Inc.</i>	San Bernardino Sup. Ct. Case No. CIVDS1809620
<i>Carrillo v. Merchant of Tennis, Inc.</i>	Los Angeles Sup. Ct. Case No. BC707896
<i>Fonseca, et al. v. United Ag Personnel Management, Inc., et al.</i>	Kern County Sup. Ct. Case No. BCV-17-100791
<i>Abelar v. American Residential Services, LLC</i>	C.D. Cal. Case No. 19-cv-00726-JAK (JPRx)
<i>Abbott, et al. v. Vitco Distributors, Inc.</i>	San Bernardino Sup. Ct. Case No. CIVDS1820214
<i>Machorro-Fernandez v. Tacos La Bufadora, Inc.</i>	San Bernardino Sup. Ct. Case No. CIVDS1831535
<i>Araujo v. Dealer Solution Service, Inc., et al.</i>	Los Angeles Sup. Ct. Case No. BC720944
<i>Arteaga, et al. v. B.W. Hotel, LLC</i>	Los Angeles County Sup. Ct. Case No. BC708551
<i>Hurtado v. CitiStaff Solutions, Inc., et al.</i>	Los Angeles County Sup. Ct. Case No. 19STCV02853
<i>Revels v. Bottling Group, LLC</i>	Orange County Sup. Ct. Case No. 30-2018-01031810-CU-OE-CXC

<i>Scott, et al. v. Kuehne+Nagel, Inc.</i>	San Bernardino County Sup. Ct. Case CIVDS1707477
<i>Green, et al. v. Material Supply, Inc.</i>	San Bernardino County Sup. Ct. Case CIVDS1928214
<i>Zamarripa v. Superior Talent Resources, Inc.</i>	Orange County Sup. Ct. Case No. 30-2019-01060339-CU-OE-CXC
<i>Perez v. Contera Construction Corp.</i>	Riverside Sup. Ct. Case No. RIC 2002575

13. WLF also has considerable experience litigating consumer class actions.

14. On August 22, 2017, Judge Orrick of the U.S. District Court for the Northern District of California, granted final approval to, and appointed my office (along with co-counsel) as class counsel in a consumer class action entitled *Knapp v. Art.com, Inc.*, Case No. 3:16-cv-00768-WHO, which involved a nationwide settlement on behalf of approximately 2 million class members, based on allegations that the defendant engaged in deceptive sales practices.

15. On September 25, 2018, Judge Freeman U.S. District Court for the Northern District of California, granted the plaintiffs' contested motion for class certification, certifying a California damages and injunctive relief class of consumers relating to false and deceptive advertising regarding the geographical origin of certain beers in the action entitled *Broomfield, et al. v. Craft Brew Alliance, Inc.*, Case No. 5-17-cv-01027-BLF. Judge Freeman appointed my office and co-counsel as class counsel in this matter.

16. On July 29, 2019, Judge Lorenz of the U.S. District Court for the Southern District of California, granted final approval to, and appointed my office (along with co-counsel) as class counsel in a consumer class action entitled *Dashnaw, et al. v. New Balance Athletics, Inc.*, Case No. 3:17-cv-00159-L-JLB, which involved settlement of a California class of nearly one million

class members, based on allegations that the defendant engaged in deceptive “Made in USA” representations with respect to some its shoes.

17. WLF is currently litigating consumer class actions and wage and hour class actions in state and federal courts throughout the country, including in California, Hawaii, Missouri, and New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 11, 2021.



Aubry Wand